

## SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the “Commission”) and Mark A. Jackson.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Mark A. Jackson*, Agency Case No. 12-008;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on September 24, 2012, the Commission alleged facts in an Initiating Order that Mark A. Jackson violated the Executive Branch Code of Ethics at KRS 11A.050(1), (2), and (3);

WHEREAS, Mark A. Jackson was at all relevant times mentioned in the Initiating Order a “public servant” as defined in KRS 11A.010(9), until his departure from state government on January 3, 2012, and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, Mark A. Jackson indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Mark A. Jackson agree, pursuant to KRS 11A.100, as follows:

1. Mark A. Jackson admits that he committed a violation of the Executive Branch Code of Ethics at KRS 11A.050(1), (2), and (3) as stated in Appendix A of the Commission’s Initiating Order of September 24, 2012, attached hereto and incorporated by reference herein.

2. Mark A. Jackson subsequently filed his 2011 Statement of Financial Disclosure on October 2, 2012.

3. Mark A. Jackson agrees to pay the Commission a civil penalty of one hundred dollars (\$100.00) on or before the one (1) year anniversary of the execution of this Settlement Agreement by the Commission.

4. Mark A. Jackson agrees that upon the Commission accepting the Settlement Agreement and entering a Final Order that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

5. The parties further agree that the acceptance of this Settlement Agreement and Agreed Final Order by both parties, and the fulfillment of their express terms, is in

full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Mark A. Jackson*, Agency Case No. 12-008.

6. This Settlement Agreement constitutes a public reprimand to Mark A. Jackson, a copy of which will be provided to his former appointing authority pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the respondent has caused this Settlement Agreement to be executed:


  
Mark A. Jackson

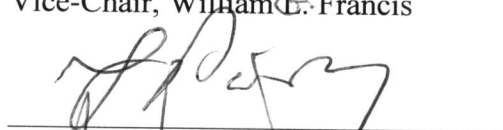
1-31-13  
Date

WHEREFOR, the EXECUTIVE BRANCH ETHICS COMMISSION has approved and executed this Settlement Agreement:

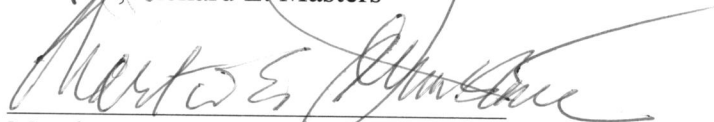
ENTERED: March 18, 2013

  
Chair, W. David Denton

  
Vice-Chair, William E. Francis

  
Member, Lewis G. Paisley

  
Member, Richard L. Masters

  
Member, Martin E. Johnstone

**APPENDIX A  
CASE NO. 12-008  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Mark Jackson, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Agriculture. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Mark Jackson committed the following violation:

**COUNT I**

That Mark Jackson, former Special Assistant with the Department of Agriculture, failed to properly file a Statement of Financial Disclosure with the Executive Branch Ethics Commission.

Specifically, Jackson, as an “officer” as defined in KRS 11A.010(7), in violation of KRS 11A.050 (1), (2), and (3), failed to file a completed 2011 Statement of Financial Disclosure within the time period required by statute for the portion of calendar year 2011 during which he was employed by the Department of Agriculture as a Special Assistant. As of the date of entry of this Initiating Order, Mark Jackson has yet to file a 2011 Statement of Financial Disclosure with the Commission.

These facts constitute a violation of KRS 11A.050 (1), (2), and (3).

KRS 11A.050 (1), (2), and (3) provide:

- (1) Each officer, each public servant listed in KRS 11A.010(9)(a) to (g), and each candidate shall file a statement of financial disclosure with the commission, as follows:
  - (a) Each officer and each public servant listed in KRS 11A.010(9)(a) to (g) who occupies his position during any portion of a calendar year shall file

- the statement for that portion of the calendar year he occupied the position on or before April 15 of the following year, whether or not he remains an officer or public servant as listed in KRS 11A.010(9)(a) to (g).
- (b) Each officer and public servant listed in KRS 11A.010(9)(a) to (g) who does not remain an officer or public servant listed in KRS 11A.010(9)(a) to (g) for the entire calendar year shall file the statement for the portion of the calendar year that the person served as an officer or public servant listed in KRS 11A.010(9)(a) to (g). The statement shall be filed with the commission within thirty (30) days after the date the person no longer serves as an officer or public servant listed in KRS 11A.010(9)(a) to (g).
  - (c) A candidate shall file the statement reflecting the previous calendar year with the commission no later than February 15.
  - (2) The statement of financial disclosure shall be filed on a form prescribed by the commission. The commission shall provide copies of the form upon request without charge.
  - (3) The statement shall include the following information for the preceding calendar year:
    - (a) Name and entire residential and business address of filer;
    - (b) Title of position or office whereby filing is required;
    - (c) Any other occupations of filer and spouse;
    - (d) Positions held by the filer or his spouse in any business, and the name and address of the business;
    - (e) Names and addresses of all businesses in which the filer, his spouse, or dependent children has or had an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more;
    - (f) The name and address of any source of gross income exceeding one thousand dollars (\$1,000) from any one (1) source to the filer, his spouse, or dependent child, as well as information concerning the nature of the business, and the form of the income;
    - (g) Sources of retainers received by the filer or his spouse relating to matters of the state agency for which the filer works or supervises or of any other entity of state government for which the filer would serve in a decision-making capacity, including each source's name and address;
    - (h) Any representation or intervention for compensation by the filer or his spouse for any person or business before a state agency for which the filer works or supervises or before any entity of state government for which the filer would serve in a decision-making capacity, including the name and address of the person or business;
    - (i) All positions of a fiduciary nature held by the filer or his spouse in a business, including the name and address of the business;
    - (j) Information, including a street address or location, regarding any real property in which there is an interest of ten thousand dollars (\$10,000) or more held by the filer, his spouse, or dependent children;
    - (k) Sources, including each source's name and address, of gifts of money or property with a retail value of more than two hundred dollars (\$200) from any one (1) source to the filer, his spouse, or dependent children, except those from a member of the filer's family; and

- (l) Identity, including an address, of creditors owed more than ten thousand dollars (\$10,000), except debts arising from the purchase of consumer goods.

Paragraphs (a) to (l) of this subsection shall not require disclosure of specific dollar amounts or of privileged information.

KRS 11A.010(7) defines "officer" as follows:

- (7) "Officer" means all major management personnel in the executive branch of state government, including the secretary of the cabinet, the Governor's chief executive officers, cabinet secretaries, deputy cabinet secretaries, general counsels, commissioners, deputy commissioners, principal assistants, division directors, members and full-time chief administrative officers of the Parole Board, Board of Tax Appeals, Board of Claims, Kentucky Retirement Systems board of trustees, Public Service Commission, Worker's Compensation Board and its administrative law judges, the Occupational Safety and Health Review Commission, the Kentucky Board of Education, the Council on Postsecondary Education, and any person who holds a personal service contract to perform on a full-time basis for a period of time not less than six (6) months a function of any position listed in this subsection.

**(End of document)**